

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

FIRST APPEAL NO.1975 OF 2015

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| 1. | The Executive Engineer,
Beed Irrigation Division,
Beed, Taluka and District
Beed | |
| 2. | The State of Maharashtra,
through Collector, Beed | ..Appellants |
| Versus | | |
| - | Shaikh Habib Shaikh Maheboob,
Age major, Occu. Agri.,
R/o Karchundi, Taluka and
District Beed | ..Respondent |

- WITH -

FIRST APPEAL NO.1990 OF 2015

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|--------|---|---------------|
| 1. | The Executive Engineer,
Beed Irrigation Division,
Beed, Taluka and District
Beed | |
| 2. | The State of Maharashtra,
through Collector, Beed | ..Appellants |
| Versus | | |
| 1. | Shaikh Fakir Shaikh Chand,
Age major, Occu. Agri., | |
| 2. | Shaikh Amin Shaikh Chandmiya
Age major, Occu. Agri., | |
| 3. | Shaikh Hamid Shaikh Chandmiya,
Age major, Occu. Agri., | |
| 4. | Shaikh Nayyum Shaikh Noor,
Age major, Occu. Agri., | |
| | All r/o Karchundi, Taluka and
District Beed | ..Respondents |

- WITH -

FIRST APPEAL NO.1979 OF 2015

- | | |
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| <ol style="list-style-type: none"> 1. The Executive Engineer,
Beed Irrigation Division,
Beed, Taluka and District
Beed 2. The State of Maharashtra,
through Collector, Beed | <p>..Appellants</p> |
| Versus | |
| <ol style="list-style-type: none"> 1. Ganpati Dhondiba Jagtap,
Age 80 years, Occu. Agri., 2. Sheshrao Dhondiba Jagtap,
Age 75 years, Occu. Agri., 3. Mahipati Dhondiba Jagtap,
Age 70 years, Occu. Agri., 4. Baburao Dhondiba Jagtap,
Age 65 years, Occu. Agri., 5. Piraji Dhondiba Jagtap,
Age 60 years, Occu. Agri., 6. Vaijnath Dhondiba Jagtap,
Age 55 years, Occu. Agri., 7. Shripati Dhondiba Jagtap,
Dead, through L.Rs. 7-A. Sudhakar Shripati Jagtap,
Age 27 years, Occu. Agri., 7-B. Tulshiram Shripati Jagtap,
Age 30 years, Occu. Agri., 8. Jaywanta Dhondiba Jagtap,
Age major, Occu. Agri., | <p>..Respondents</p> |
| <p>All R/o Karchundi,
Taluka and Dist. Beed</p> | |

- WITH -

FIRST APPEAL NO.1978 OF 2015

1. The Executive Engineer,
Beed Irrigation Division,
Beed, Taluka and District
Beed
 2. The State of Maharashtra,
through Collector, Beed
- ..Appellants
- Versus
1. Shaikh Rustum Shaikh Lala,
Age major, Occu. Agri.,
 2. Shaikh Latif Shaikh Lala,
Age major, Occu. Agri.,
 3. Shaikh Gulab Shaikh Lala,
Age major, Occu. Agri.,
- All r/o Karchundi,
Taluka and Dist. Beed
- ..Respondents

- WITH -

FIRST APPEAL NO.1977 OF 2015

1. The Executive Engineer,
Beed Irrigation Division,
Beed, Taluka and District
Beed
 2. The State of Maharashtra,
through Collector, Beed
- ..Appellants
- Versus
1. Shaikh Bansi Babamiya,
Age 74 years, Occu. Agri.,
 2. Shaikh Rafiq Shaikh Bansi,
Age major, Occu. Agri.,
 3. Pathan Siraj Alim Khan,
Age major, Occu. Agri.,
- All r/o Karchundi,

Taluka and Dist. Beed

..Respondents

- WITH -

FIRST APPEAL NO.1976 OF 2015

1. The Executive Engineer,
Beed Irrigation Division,
Beed, Taluka and District
Beed

2. The State of Maharashtra,
through Collector, Beed

..Appellants

Versus

1. Shrirang Bhujang Shinde,
Age major, Occu. Agri.,
2. Babasaheb Shrirang Shinde,
Age major, Occu. Agri.,
3. Sakharam Babasaheb Shinde,
Age major, Occu. Agri.,
4. Shamrao Babasaheb Shinde,
Age major, Occu. Agri.,
5. Ramhari Babasaheb Shinde,
Age major, Occu. Agri.,

All r/o Karchundi,
Taluka and Dist. Beed

..Respondents

Mr Ruturaj C. Patil, Advocate for appellant No.1

Mr P.P. More, A.G.P. for appellant No.2

Mr Ramraje A. Deshmukh, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 12th August 2015

PER COURT

1. This Court in First Appeal No.1972 of 2015 and other connected appeals, has already passed an order upholding the enhancement granted by the reference Court towards the land acquired.

2. So far as the enhancement granted towards the fruit bearing trees is concerned, both the parties have relied upon the judgment of the Apex Court in the matter of **Assistant Commissioner-cum-Land Acquisition Officer, Vs. S.T. Pompanna Setty**, reported in **AIR 2005 SC 749**, particularly on the observations made in paragraph 15 which reads thus :

“15. From the above cases, it is clear that normally in the cases where compensation is awarded on yield basis, multiplier of 10 is considered proper and appropriate. In the case on hand, multiplier of 15 has been applied which is on a higher side. To that extent, therefore, the submission of the learned counsel for the appellant is well founded and deserves to be accepted. At the same time, however, it cannot be overlooked that the High Court considered the fact and observed that the claimant would be entitled to an amount of more than Rs.six lacs. Since he had restricted his claim to Rs. Five lacs, he would not be entitled to an amount more than that. In the facts and circumstances, therefore, in our opinion, ends of justice would be met if we hold that the claimant would be entitled to Rs.4,75,000/- (Rupees four lacs seventy five thousand only) along with interest as awarded to him by the Reference Court as well as by the High Court.”

3. In the present case, it is noted that the claimants have not brought on record any yield as regards the fruit bearing trees. In view thereof, the claimants pray that the matter be remanded to reference Court to decide the issue as regards compensation claimed for fruit bearing trees.

4. In view of above, the appeals are partly allowed. The Land Acquisition References preferred by the claimants stood restored to the file of learned Ad-hoc District Judge-1, Beed or the competent Court, taking up those matters. The claimants since have restricting the claim pursuant to above order for enhancement of compensation towards the fruit bearing trees, they will be at liberty to bring on record the evidence so as to seek compensation based on the yearly yield, as provided in the judgment of the Assistant Commissioner-cum-Land Acquisition Officer Vs. S.T. Pompanna Setty (cited supra).

5. The appeals as such stand partly allowed. The parties agree that they shall appear before the reference Court on 1st September 2015.

6. The reference Court is directed to decide the claim upon giving liberty to both the parties to adduce evidence, as expeditiously as possible, preferably within a period of six months.

(N.W. SAMBRE, J.)

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